

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: KAZUHIRO UKIDA ET AL
SERIAL NO.: 10/715,561

FILED: November 19, 2003

FOR: APPLIANCE UTILIZING WATER



GROUP ART UNIT: 3611

EXAMINER: Brian K. GREEN

ATTY. REFERENCE: UKID3001/BEU

COMMISSIONER OF PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a communication/amendment in the above-identified application.

- ☐ Small entity status under 37 CFR 1.9 and 1.27 is claimed.
- ☒ No additional fee is required.

The fee, if any, has been calculated as shown below:

Fee Basis	Number of Claims After Amendment	Highest Number Previously Paid For	Extra Claims	Small Entity	Full Fee
Total Claims		- ¹	= ³	× \$ 25 =	× \$ 50 =
Independent Claims		- ²	= ³	× \$100 =	× \$ 200 =
<input type="checkbox"/> First Presentation of Proper Multiple Dependent Claim				+ \$180 =	+ \$360 =
TOTAL					

¹ If less than 20 enter 20.

² If less than 3 enter 3.

³ If less than 0 enter 0.

- ☐ Please charge my Deposit Account Number 02-0200 in the amount of \$_____. A duplicate copy of this sheet is attached.
- ☐ A check in the amount of \$_____ is attached.
- ☐ The Commissioner is hereby authorized to charge any additional fees associated with this communication, including fees due under 37 CFR 1.16 and 37 CFR 1.17 or credit any overpayment to Deposit Account Number 02-0200. A duplicate copy of this sheet is attached.
- ☐ Also enclosed is/are:

23364

Customer Number
Phone: (703) 683-0500

DATE: February 24, 2006

Respectfully submitted,

Benjamin E. Urcia
Attorney for Applicant
Registration Number: 33,805



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:)	Group Art Unit: 3611
)	
Kazuhiro UKIDA <i>et al.</i>)	Examiner: B. Green
)	
Serial Number: 10/715,561)	<i>Attorney Docket:</i> UKID3001/BEU
)	
Filed: November 19, 2003)	<u>Confirmation No.:</u> 5056

For: Appliance Utilizing Water

RESPONSE TO RESTRICTION REQUIREMENT

Honorable Commissioner For Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

This paper is in response to the Official Action dated January 27, 2006.

The Applicant elects **Species II**, corresponding to **Figs. 4-6**.

Claims 5-7 read on the elected species.

The election is **with traverse**. The reason for the traversal is that claims to both Species I and Species II have already been examined. As explained in MPEP 808.01(a):

... A requirement for restriction is permissible if there is a patentable difference between the species as claimed and there would be a serious burden on the examiner if restriction is not required (emphasis added).

Since the Examiner has already twice examined each of the claims of the application, and presumably conducted a proper search, continued examination could not possibly be a “**serious burden**,” as required by the MPEP. The Examiner will note that claims to Species I were not amended at all during the last response, and only a minor amendment was made to the Species II claims, so the last amendment clearly did not necessitate the restriction.

Serial Number 10/715,561

While the Applicant appreciates and agrees with the Examiner's conclusion that the two species are patentably distinct (*i.e.*, that a transparent member, transparent film, and colored member of claim 5 are not obvious in view of a transparent film and colored decoration as recited in claim 1), the Applicant does not agree that examination of the two species would be a serious burden on the Examiner at this time.

Although the Applicant traverses the restriction requirement, the Applicant reserves the right to submit a divisional application directed to the subject matter of the non-elected claims.

Having complied with the restriction requirement, early and favorable action on the merits is requested.

Respectfully submitted,

BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to read 'Bj' followed by a long horizontal stroke.

By: BENJAMIN E. URCIA
Registration No. 33,805

Date: February 24, 2006

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